PATENT AND DIMNOE .Div

Attorney Docket No. 04118/LH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Makoto OOKI

Serial No. : 10/789,156

Filed

: February 27, 2004

For

: IMAGE FORMING APPARATUS

AND IMAGE FORMING METHOD

2015 KUCERTIFICATE GENALLING

US PAIR correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313 on the date noted below.

Catherine Bacon

Dated: November 16, 2005

ATTENTION: MAIL STOP 16 - REFUNDS

OFFICE OF FINANCE ACCOUNTING DIVISION

REQUEST FOR REFUND

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Director of the U.S. Patent and Trademark Office

SIR:

Attached hereto is a highlighted copy of our September 2005 Monthly Statement of Deposit Account 06-1378. The \$400 fee, charged on September 27, 2005 (Control No. 1, Fee Code 1201) for two additional independent claims, is respectfully submitted to be in error for the following reason.

Enclosed is a copy of the first page, along side of page 11, of the Amendment faxed to the USPTO on May 26, 2005. As noted in the CLAIM FEE paragraph on page 11; there were a total of 23 claims in the application, of which 6 were independent. At that time, payment was authorized via credit card to cover two additional independent claims. Enclosed is a copy of Form PTO-

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2038 with the appropriate page from our credit card statement showing the fee was paid on May 26, 2005.

Further, a copy of the first page, along side of page 10, of the Amendment faxed to the USPTO on September 14, 2005 is enclosed. As noted in THE CLAIMS paragraph, there are still six independent claims, namely claims 22, 23, 40, 41, 43 and 44. no new claims had been added, no charge to the 'undersigned's Deposit Account was required because the fee to include six independent claims was paid on May 26, 2005.

Therefore, it is respectfully requested that the Patent Office immediately credit the unnecessary \$400 fee, charged in error on September 27, 2005, to Deposit Account 06-1378.

Respectfully submitted,

Douglas Holtz Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C. 220 Fifth Avenue - 16th Floor New York, New York 10001-7088 Tel. No. (212) 319-4900 Facsimile No. (212) 319-5101 DH:cb



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.mapto.gov

MONTHLY STATEMENT OF DEPOSIT ACCOUNT BEST AVAILABLE COPY

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C. ATTN CATHERINE BACON 220 FIFTH AVENUE, 16TH FLOOR FINA NEW YORK NY 10001-7708

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Customer No. 01933

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Attorney Docket No. 04118/LH

Applicant(s): Makoto OOKI

TOTAL PAGES: 19

CERTIFICATE OF FACSIMILE TRANSMISSION TO NO. 1-703-872-9306

Serial No. : 10/789,156

February 27, 2004

IMAGE FORMING APPARATUS AND IMAGE FORMING METHOD

2876

Art Unit

Examiner : Edwyn Labaze

Alexandria, VA 22313-1450 P.O. Box 1450

Commissioner for Patents CONCURRENT XTIMENTONCO

> Malini P. Sahadeo I hereby certify that this paper is being Immedialle transmitted to the Commissioner for Patents on the date noted helow. Amendment (14) D. Someohine

> > requested that the amendments to claims 22, 23, 25, 26, 40

No new matter has been added, and it is respectfully

in the specification at, for example, page 40, line 13 to page

Customer No. 01933

Application No. 10/789,156 Amendment filed with RCE

Dated: May 26, 2005

In the event that this Paper is painted filed, and the nocessary is not tiled for extension of time herewith, please terretally as a Petition of this extension of this extension of the strength of the same of the tile extension of the tile ex

CLAIM FEE and 41, and the addition of claims 43 and 44 be approved and

determined to be required to Account No. 06-1378. hereby given to charge any additional fees which may be in total is attached hareto. In addition, authorization is for the addition of 2 extra independent claims and 2 extra claims independent. Accordingly, a claim fee in the amount of \$500.00 claims. The application now contains 23 claims, of which 6 are were independent, and the appropriate claim fee was paid for such The application previously contained 21 claims, of which 4

THE PRIOR ART REJECTION

hereinabove. respectfully traversed with respect to the claims as amended by USP 5,199,081 ("Saito et al"). This rejection, however, as remained finally rejected under 35 USC 102 as being anticipated In the Advisory Action dated, May 4, 2005, claims 22-42

24-39 and 42 are maintained; and claims 43 and 44 are added. canceled; claims 22, 23, 25, 26, 40 and 41 are amended; claims Claims which begins on page 2 of this paper. Claims 1-21 are

Remarks begin on page 10 of this paper.

month by petition filed concurrently herewith to June 4, 2005. May 4, 2005, the term for response to which is extended by one March 22, 2005, within two months), and the Advisory Action dated

Amendments to the Claims are set forth in the listing of

mailed January 26, 2005 (a response to which was filed on

for Continued Examination in response to the Final Office Action

This Amendment is being filed concurrently with a Request

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information under it.

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amended; and claims 24-28, 31-39 and 42 are maintained. and 30 are canceled; claims 22, 23, 40, 41, 43 and 44 are AVAILABLE COP > Remarks begin on page 10 of this paper.

Examiner : Edwyn Labaze Art Unit Filed Serial No. Applicant(s): Makoto OOKI IN THE UNITED STATES PATENT

February 27, 2004

10/789, 156

MENDARNI

2876

SIR: Alexandria, VA 22313-1450 Commissioner for Patents P.O. Box 1450 This is responsive to the Office Action mailed

IMAGE FORMING APPARATUS AND IMAGE FORMING METHOD In the event that this Paper is late filed, and the necessary is not filed to extension of time harewith, for extension of time harewith, please consider this extension of time, and to the PO-2038 attended hereto, and to the routent not tendered by form authorises the content content of the Dated: September 14, 2005 Propertie: date noted below.

I hereby dertify that this paper is being faceimile transmitted to the Commissioner TOTAL PAGES: 14 CERTIFICATE OF FACSIMILE TRANSMISSION TO NO. 1-571-273-8300 dmont (14)

for example, Figs. 2 and 3. (See also now canceled claims 29 in the specification at, for example, page 19, lines 3-15, and, identifies the area of the input image based on image data

be approved and entered. requested that the amendments to claims 22, 23, 40, 41, 43 and 44 No new matter has been added, and it is respectfully

claims which begins on page 2 of this paper. Claims 1-21, 29

Amendments to the Claims are set forth in the listing of

September 14, 2005.

June 14, 2005, the term for response to which expires on

THE PRIOR ART REJECTION

This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove. anticipated by USP 5,199,081 (previously cited "Saito et al"). Claims 22-44 were rejected under 35 USC 102 as being

Customer No. 01933

Attorney Docket No.

HT/81716

Application No. 10/789,156 Response to Office Action

Application No. 10/789,156 Response to Office Action

Customer No. 01933

REMARKS

respectfully requested. Reconsideration of this application, as amended, is

THE CLAIMS

set via an operation setting unit, as supported by the disclosure reference value, and that the identification reference value is obtained from the area of the input image and an identification amended to clarify that the (first) identification unit Independent claims 22, 23, 40, 41, 43 and 44 have been. United States Patent and Trademark Office - Sales Receipt -

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